

## **IC 11-8-2**

### **Chapter 2. Organization of Department**

## **IC 11-8-2-1**

### **Department of correction; establishment**

Sec. 1. There is established in the executive branch of state government a department of correction.

*As added by Acts 1979, P.L.120, SEC.1.*

## **IC 11-8-2-2**

### **Board of correction; membership; appointment, term, vacancy, removal; chairman; compensation; meetings; quorum**

Sec. 2. (a) There is established a board of correction consisting of seven (7) members who must be qualified for their positions by demonstrated interest in corrections. Not more than four (4) members may be affiliated with the same political party. Among the seven (7) members, the governor may appoint at least one (1) practicing attorney, one (1) social worker or sociologist, one (1) educator, one (1) psychologist or psychiatrist, one (1) person familiar with the care and treatment of juveniles, and one (1) person experienced in law enforcement.

(b) Members shall be appointed by the governor for a term of four (4) years and until qualified successors are appointed. A vacancy occurring before the expiration of a term shall be filled by the governor for the remainder of the term. Members may be reappointed. They may be removed by the governor upon due notice.

(c) The governor shall designate one (1) of the members as chairman of the board.

(d) Members of the board are entitled to the minimum salary per diem for each day engaged in official business as provided in IC 4-10-11-2.1(b) and reimbursement for traveling and other expenses as provided in the state travel policies and procedures, established by the department of administration and approved by the state budget agency.

(e) The board shall meet at least quarterly and at other times at the call of the chairman. The chairman shall call a meeting when requested by a majority of the board or when requested by the commissioner. For purposes of transacting business, a majority of the membership constitutes a quorum.

*As added by Acts 1979, P.L.120, SEC.1.*

## **IC 11-8-2-3**

### **Powers and duties of board**

Sec. 3. (a) The board shall:

- (1) adopt rules for the conduct of its own business;
- (2) approve or disapprove, before adoption, any rule to be adopted by the department under IC 4-22-2;
- (3) approve or disapprove, before implementation, any resolution, directive, or other statement of the department, including the commissioner, regardless of its name or

designation, that relates to departmental organization or policy, including general internal organization, policies, standards, or procedures applicable to one (1) or more facilities, programs, or categories of persons under the jurisdiction of the department, employees, or contractors; and

(4) keep records of all its official actions and make them accessible according to law.

(b) The board may:

(1) appoint temporary advisory committees for any purpose;

(2) visit and inspect, without notice, any facility or program of the department, either individually or collectively, to examine the affairs and condition of the department; and

(3) exercise any other power reasonably necessary in discharging its duties and powers.

(c) The board has no direct administrative or executive powers other than those granted by this section.

(d) For purposes of IC 4-22-2, the term "rule" as used in subsection (a)(1) relates solely to internal policy, organization, and procedure not having the force of law.

(e) This section shall be liberally construed for conduct of the board after June 30, 2001, to implement the intent of the general assembly, as first stated in the commentary to the proposed final draft of the correctional code published by the correctional code commission in October 1977, to place policy authority in a seven (7) member board of correction rather than a single department head.

*As added by Acts 1979, P.L.120, SEC.1. Amended by P.L.292-2001, SEC.3.*

#### **IC 11-8-2-4**

##### **Office of commissioner of correction; commissioner's qualifications, term, salary**

Sec. 4. There is established the office of commissioner of correction. The commissioner must hold at least a bachelor's degree from an accredited college or university and must have held a management position in correctional or related work for at least five (5) years. The commissioner shall be appointed by and serve at the pleasure of the governor. The commissioner is entitled to a salary to be determined by the state budget agency with the approval of the governor.

*As added by Acts 1979, P.L.120, SEC.1.*

#### **IC 11-8-2-5**

##### **Commissioner's powers and duties**

Sec. 5. (a) The commissioner shall do the following:

(1) Organize the department, subject to approval by the board, and employ personnel necessary to discharge the duties and powers of the department.

(2) Administer and supervise the department, including all state owned or operated correctional facilities.

(3) Except for employees of the parole board, be the appointing

authority for all positions in the department within the scope of IC 4-15-2 and define the duties of those positions in accord with IC 4-15-2.

(4) Define the duties of a deputy commissioner and a superintendent.

(5) Accept committed persons for study, evaluation, classification, custody, care, training, and reintegration.

(6) Determine the capacity of all state owned or operated correctional facilities and programs and keep all Indiana courts having criminal or juvenile jurisdiction informed, on a quarterly basis, of the populations of those facilities and programs.

(7) Utilize state owned or operated correctional facilities and programs to accomplish the purposes of the department and acquire or establish, according to law, additional facilities and programs whenever necessary to accomplish those purposes.

(8) Develop policies, programs, and services for committed persons, for administration of facilities, and for conduct of employees of the department.

(9) Administer, according to law, the money or other property of the department and the money or other property retained by the department for committed persons.

(10) Keep an accurate and complete record of all department proceedings, which includes the responsibility for the custody and preservation of all papers and documents of the department.

(11) Make an annual report to the governor according to subsection (c).

(12) Develop, collect, and maintain information concerning offenders, sentencing practices, and correctional treatment as he considers useful in penological research or in developing programs.

(13) Cooperate with and encourage public and private agencies and other persons in the development and improvement of correctional facilities, programs, and services.

(14) Explain correctional programs and services to the public.

(15) As required under 42 U.S.C. 15483, after January 1, 2006, provide information to the election division to coordinate the computerized list of voters maintained under IC 3-7-26.3 with department records concerning individuals disfranchised under IC 3-7-46.

(b) The commissioner may:

(1) when authorized by law, adopt departmental rules under IC 4-22-2, subject to approval by the board;

(2) delegate powers and duties conferred on him by law to a deputy commissioner or commissioners and other employees of the department;

(3) issue warrants for the return of escaped committed persons (an employee of the department or any person authorized to execute warrants may execute a warrant issued for the return of an escaped person); and

(4) exercise any other power reasonably necessary in

discharging his duties and powers.

(c) The annual report of the department shall be transmitted to the governor by September 1 of each year and must contain:

- (1) a description of the operation of the department for the fiscal year ending June 30;
- (2) a description of the facilities and programs of the department;
- (3) an evaluation of the adequacy and effectiveness of those facilities and programs considering the number and needs of committed persons or other persons receiving services; and
- (4) any other information required by law.

Recommendations for alteration, expansion, or discontinuance of facilities or programs, for funding, or for statutory changes may be included in the annual report.

*As added by Acts 1979, P.L.120, SEC.1. Amended by P.L.209-2003, SEC.200.*

#### **IC 11-8-2-6**

##### **Deputy commissioners; appointment; qualifications; terms; salary**

Sec. 6. The commissioner shall, with the approval of the board, appoint one (1) or more deputy commissioners. A deputy commissioner must hold at least a bachelor's degree from an accredited college or university and must have held a management position in correctional or related work for a minimum of three (3) years. A deputy commissioner shall serve at the pleasure of the commissioner. A deputy commissioner is entitled to a salary to be determined by the state budget agency with the approval of the governor.

*As added by Acts 1979, P.L.120, SEC.1.*

#### **IC 11-8-2-7**

##### **Correctional facilities for criminal offenders and delinquent offenders; superintendents; appointment; qualifications; salary; vacancies**

Sec. 7. (a) The commissioner shall, with the approval of the board, determine which state owned or operated correctional facilities are to be maintained for criminal offenders and which are to be maintained for delinquent offenders.

(b) The commissioner shall determine which state owned or operated correctional facilities need, for effective management, administration by a superintendent. The commissioner shall appoint, with the approval of the board, a superintendent for each correctional facility. However, the commissioner may appoint a person as superintendent of two (2) or more facilities if the commissioner finds that it would be economical to do so and would not adversely effect the management of the facilities.

(c) A superintendent must hold at least a bachelor's degree from an accredited college or university and must have held a management position in correctional or related work for a minimum of five (5) years. A superintendent is entitled to a salary to be determined by the

state budget agency with the approval of the governor. A superintendent may be dismissed for cause by the commissioner with the approval of the board.

(d) If a superintendent position becomes vacant, the commissioner may appoint an acting superintendent to discharge the duties and powers of a superintendent on a temporary basis.

*As added by Acts 1979, P.L.120, SEC.1. Amended by P.L.43-2002, SEC.1.*

#### **IC 11-8-2-8**

##### **Personnel; application of laws; standards; programs**

Sec. 8. (a) All officers and employees of the department, with the exception of the members of the board, members of the parole board, the commissioner, any deputy commissioner, and any superintendent, are within the scope of IC 4-15-2.

(b) IC 11-10-5 applies to teachers employed under that chapter, notwithstanding IC 4-15-2.

(c) The department shall cooperate with the state personnel department in establishing minimum qualification standards for employees of the department and in establishing a system of personnel recruitment, selection, employment, and distribution.

(d) The department shall conduct training programs designed to equip employees for duty in its facilities and programs and raise their level of performance. Training programs conducted by the department need not be limited to inservice training. They may include preemployment training, internship programs, and scholarship programs in cooperation with appropriate agencies. When funds are appropriated, the department may provide educational stipends or tuition reimbursement in such amounts and under such conditions as may be determined by the department and the personnel division.

(e) The department shall conduct a training program on cultural diversity awareness that must be a required course for each employee of the department who has contact with incarcerated persons.

(f) The department shall provide six (6) hours of training to employees who interact with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities concerning the interaction, to be taught by persons approved by the secretary of family and social services, using teaching methods approved by the secretary of family and social services and the commissioner. The commissioner or the commissioner's designee may credit hours of substantially similar training received by an employee toward the required six (6) hours of training.

(g) The department shall establish a correctional officer training program with a curriculum, and administration by agencies, to be determined by the commissioner. A certificate of completion shall be issued to any person satisfactorily completing the training program. A certificate may also be issued to any person who has received training in another jurisdiction if the commissioner determines that the training was at least equivalent to the training program

maintained under this subsection.

*As added by Acts 1979, P.L.120, SEC.1. Amended by P.L.3-1989, SEC.94; P.L.25-2000, SEC.2; P.L.85-2004, SEC.41.*

#### **IC 11-8-2-9**

##### **Research and statistics**

Sec. 9. (a) The department shall establish a program of research and statistics, alone or in cooperation with others, for the purpose of assisting in the identification and achievement of realistic short term and long term departmental goals, the making of administrative decisions, and the evaluation of the facilities and programs of the entire state correctional system. Information relating to the following must be compiled:

- (1) An inventory of current facilities and programs, including residential and nonresidential community programs and offender participation.
- (2) Population characteristics and trends, including the following concerning offenders:
  - (A) Ethnicity.
  - (B) Gender.
- (3) Judicial sentencing practices.
- (4) Service area resources, needs, and capabilities.
- (5) Recidivism of offenders.
- (6) Projected operating and capital expenditures.

(b) The department may conduct research into the causes, detection, and treatment of criminality and delinquency and disseminate the results of that research.

*As added by Acts 1979, P.L.120, SEC.1. Amended by P.L.142-1995, SEC.1.*

#### **IC 11-8-2-10**

##### **Continuance of rules adopted and in effect on October 1, 1980**

Sec. 10. All rules adopted by the department and in effect on October 1, 1980, continue in effect until amended or repealed by the department, according to IC 4-22-2, under rule-making authority given to the department under this article.

*As added by Acts 1979, P.L.120, SEC.1.*

#### **IC 11-8-2-11**

##### **Corrections drug abuse fund**

Sec. 11. (a) The corrections drug abuse fund is established. The department shall administer the fund. Expenditures from the fund may be made only in accordance with appropriations made by the general assembly.

(b) The department may use money from the fund to provide drug abuse therapy for offenders.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) Money in the fund at the end of a fiscal year does not revert to

the state general fund.

*As added by P.L.51-1989, SEC.3.*